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## Symposium on Judicial Administration and Legal Reform: Introduction

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# Introduction

BY SENATER JOSEPH D. TYDINGS\*

Judicial Administration and Reform is increasingly the subject of scrutiny from sources outside the judicial and legal world. President Nixon's important message delivered at the Williamsburg Convocation in the Spring of 1971 gives credence to the emergence of Judicial Reform as a major national concern.

Give or take some tens of thousands of men now doing other things or more or less retired, there are 300,000 lawyers in the United States, one for every 250 men and women in the national labor force. No other nation has anything like so many lawyers, either in absolute numbers or as a percentage of their population. Great Britain, on whose legal system our jurisprudence was built, has one quarter of our population but only one-tenth of our lawyers.

In our state courts instances of delays of two, three or even five years between the time when a case is filed and when it is finally tried are common. Today the average waiting period for personal injury suits in civil courts in our major metropolitan areas is over twenty months and in counties having a population of more than 750,000, it exceeds two years. In 1971, in the Supreme Court of Rockland County, New York, the average time from service of process to trial was over sixty months, and in the Circuit Court of Cook County, Illinois it was almost as great. In the Court of Common Pleas in Philadelphia, the delay was over 45 months; in the Circuit Court of Wayne County, Michigan, it was over 30 months. This frustration and delay is a national disgrace. In many instances, it cost the litigants thousands and thousands of dollars. Even more devastating is the delay (frequently amounting to one, two, or even three years) in obtaining a judicial determination of an individual's guilt or innocence with respect to a criminal charge.

Unfortunately, as the President of the United States pointed

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out last year, in many areas our courts today are administered in essentially the same way they were two hundred years ago. Administrative practices have been maintained solely because they have been followed for many years. If that tenet had guided leaders of American industry, finance, science and technology, our nation would still be in the eighteenth century and our present standard of living and individual comforts unknown.

Our system of judicial administration, whether in the federal courts, state courts, or courts of our municipalities and towns, is a tenuous one, indeed. We have reached a critical stage in the life of our judicial system, a point where we must recognize the problems and take forthright steps to meet them. It is no longer sufficient to leave the problem of court reform and judicial administration in the hands of the judiciary and the Bar. The time has come for the American law school and the American law student to face up to their responsibilities in this field. The law schools have a triple responsibility. They, together with other colleges of their constituent universities, should begin to organize the curricula and training schools to provide a cadre of trained and skilled judicial administrators. The law school can and should do research in depth, attacking the most serious aspects of judicial backlog and delay and the failures of judicial administration. And finally, the law schools not only can but must strive to imbue their students with an awareness and appreciation of the problems of judicial administration and the future lawyer's responsibility in reforming our system and making it function more efficiently. Every graduating senior from law school in this country should become an "instant advocate" for judicial reform at whatever Bar he practices. The young lawyers of the nation and the graduates of the law school ought to be "carrying the torch." Universities and business schools have long been leaders in recognizing the need for systematic study and training in public administration. The need for recognition of legal administration as a valid field of study is equally acute and pressing. Leadership is necessary if our system of justice is to endure. In this issue, the *KENTUCKY LAW JOURNAL* has attempted to focus on these problems.

Judicial and legal credibility is vital in these hours and times of change. In the words of the great late chief judge of the Fourth Judicial Circuit, John J. Parker:

If Democracy is to live, Democracy must be made efficient. If we would preserve a free government in America, we must make free government, good government. Nowhere does government touch the life of the people more intimately than the administration of justice and nowhere is it more important that the governing process be shot through with efficiency and common sense. Nothing else that we can possibly do or say is so important as the way we administer justice.